

AMENDED IN SENATE JUNE 12, 2013

AMENDED IN ASSEMBLY MAY 14, 2013

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 354**

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**Introduced by Assembly Member Dahle**

February 13, 2013

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An act to amend Sections 303.5, 9051, 9160, 9280, 9313, 9314, and 9500 of the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

AB 354, as amended, Dahle. Ballot measures: ballot title and summary: impartial analysis.

Under existing law, a statewide ballot measure may be placed on the ballot at a statewide election by a petition signed by the requisite number of voters or by the Legislature. Existing law requires the Attorney General to provide a ballot title and summary and ballot label for each ballot measure submitted to the voters at a statewide election. Existing law defines a ballot title and summary as a summary of the chief purpose and points of, including a summary of the fiscal impact of, a statewide ballot measure. *Existing law specifies that the ballot title and summary shall not exceed 100 words, not including the fiscal impact summary.*

This bill would require the ballot title and summary for a statewide ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the Legislature. *The bill would specify that this statement*

*shall not be included in the 100-word limit for the ballot title and summary.*

Under existing law, a county, city, or district ballot measure may be placed on the ballot at the county, city, or district election by a petition signed by the requisite number of voters or by the county board of supervisors, the governing body of the city, or the governing body of the district, respectively. Whenever a county, city, or district measure qualifies for a place on the ballot, existing law requires the county counsel or city attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a county, city, or district ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the county board of supervisors, city governing body, or district governing body, respectively.

Under existing law, a ballot measure may be placed on the ballot at a school district election by the governing board of the school district. Whenever a school district ballot measure is placed on the ballot, existing law requires the county counsel or district attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a school district ballot measure to include a statement indicating that the measure was placed on the ballot by the governing board of the school district.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 303.5 of the Elections Code is amended  
2     to read:  
3     303.5. (a) “Ballot title” means the name of a statewide measure  
4     included in the ballot label and the ballot title and summary.  
5     (b) “Ballot title and summary” means the summary of the chief  
6     purpose and points of, including the fiscal impact summary of, a  
7     measure that appears in the state ballot pamphlet. The ballot title  
8     and summary shall include a statement indicating whether the  
9     measure was placed on the ballot by petition or by the Legislature  
10    and a summary of the measure’s fiscal impact. The ballot title and

1 summary shall not exceed 100 words, not including the fiscal  
2 impact summary *or the statement indicating whether the measure*  
3 *was placed on the ballot by petition or by the Legislature.*

4 (c) (1) “Circulating title and summary” means the text that is  
5 required to be placed on a petition for signatures that is either one  
6 of the following:

7 (A) The summary of the chief purpose and points of a proposed  
8 initiative measure that affects the Constitution or laws of the state,  
9 and the fiscal impact of the proposed initiative measure.

10 (B) The summary of the chief purpose and points of a  
11 referendum measure that affects a law or laws of the state.

12 (2) The circulating title and summary shall not exceed 100  
13 words, not including the fiscal impact summary.

14 SEC. 2. Section 9051 of the Elections Code is amended to read:

15 9051. (a) (1) The ballot title and summary may differ from  
16 the legislative, circulating, or other title and summary of the  
17 measure ~~and shall not exceed 100 words, not including the fiscal~~  
18 ~~impact summary.~~ The ballot title and summary shall include a  
19 statement indicating whether the measure was placed on the ballot  
20 by a petition signed by the requisite number of voters or by the  
21 Legislature. *The ballot title and summary shall not exceed 100*  
22 *words, not including the fiscal impact summary or the statement*  
23 *indicating whether the measure was placed on the ballot by petition*  
24 *or by the Legislature.*

25 (2) The ballot title and summary shall be amended to include a  
26 summary of the Legislative Analyst’s estimate of the net state and  
27 local government fiscal impact prepared pursuant to Section 9087  
28 of this code and Section 88003 of the Government Code.

29 (b) The ballot label shall contain no more than 75 words and  
30 shall be a condensed version of the ballot title and summary,  
31 including the financial impact summary prepared pursuant to  
32 Section 9087 of this code and Section 88003 of the Government  
33 Code.

34 (c) In providing the ballot title and summary, the Attorney  
35 General shall give a true and impartial statement of the purpose  
36 of the measure in such language that the ballot title and summary  
37 shall neither be an argument, nor be likely to create prejudice, for  
38 or against the proposed measure.

39 SEC. 3. Section 9160 of the Elections Code is amended to read:

1     9160. (a) Whenever a county measure qualifies for a place on  
2 the ballot, the county elections official shall transmit a copy of the  
3 measure to the county auditor and to the county counsel or to the  
4 district attorney in a county that has no county counsel.

5     (b) The county counsel or district attorney shall prepare an  
6 impartial analysis of the measure showing the effect of the measure  
7 on the existing law and the operation of the measure. The analysis  
8 shall include a statement indicating whether the measure was  
9 placed on the ballot by a petition signed by the requisite number  
10 of voters or by the board of supervisors. The analysis shall be  
11 printed preceding the arguments for and against the measure. The  
12 analysis may not exceed 500 words in length.

13     In the event the entire text of the measure is not printed on the  
14 ballot, nor in the voter information portion of the sample ballot,  
15 there shall be printed immediately below the impartial analysis,  
16 in no less than 10-point boldface type, a legend substantially as  
17 follows:

18     “The above statement is an impartial analysis of Ordinance or  
19 Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure,  
20 please call the elections official’s office at (insert telephone  
21 number) and a copy will be mailed at no cost to you.”

22     The elections official may, at his or her discretion, add the  
23 following message: “You may also access the full text of the  
24 measure on the county Web site at the following Web site address  
25 (insert Web site address).”

26     (c) Not later than 88 days prior to an election that includes a  
27 county ballot measure, the board of supervisors may direct the  
28 county auditor to review the measure and determine whether the  
29 substance thereof, if adopted, would affect the revenues or  
30 expenditures of the county. He or she shall prepare a fiscal impact  
31 statement which estimates the amount of any increase or decrease  
32 in revenues or costs to the county if the proposed measure is  
33 adopted. The fiscal impact statement is “official matter” within  
34 the meaning of Section 13303, and shall be printed preceding the  
35 arguments for and against the measure. The fiscal impact statement  
36 may not exceed 500 words in length.

37     SEC. 4. Section 9280 of the Elections Code is amended to read:

38     9280. Whenever a city measure qualifies for a place on the  
39 ballot, the governing body may direct the city elections official to  
40 transmit a copy of the measure to the city attorney, unless the

1 organization or salaries of the office of the city attorney are  
2 affected. The city attorney shall prepare an impartial analysis of  
3 the measure showing the effect of the measure on the existing law  
4 and the operation of the measure. The analysis shall include a  
5 statement indicating whether the measure was placed on the ballot  
6 by a petition signed by the requisite number of voters or by the  
7 governing body of the city. If the measure affects the organization  
8 or salaries of the office of the city attorney, the governing board  
9 may direct the city elections official to prepare the impartial  
10 analysis. The analysis shall be printed preceding the arguments  
11 for and against the measure. The analysis shall not exceed 500  
12 words in length.

13 In the event the entire text of the measure is not printed on the  
14 ballot, nor in the voter information portion of the sample ballot,  
15 there shall be printed immediately below the impartial analysis,  
16 in no less than 10-point bold type, a legend substantially as follows:

17 “The above statement is an impartial analysis of Ordinance or  
18 Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure,  
19 please call the elections official’s office at (insert telephone  
20 number) and a copy will be mailed at no cost to you.”

21 SEC. 5. Section 9313 of the Elections Code is amended to read:

22 9313. Except as provided in Section 9314, whenever a district  
23 measure is submitted to the voters, the district elections official  
24 shall transmit a copy of the measure to the county counsel, or to  
25 the district attorney if there is no county counsel, of the county  
26 that contains the largest number of registered voters of the district.  
27 The county counsel or district attorney shall prepare an impartial  
28 analysis of the measure showing the effect of the measure on the  
29 existing law and the operation of the measure. The analysis shall  
30 include a statement indicating whether the measure was placed on  
31 the ballot by a petition signed by the requisite number of voters  
32 or by the governing body of the district. The analysis shall be  
33 printed preceding the arguments for and against the measure. The  
34 analysis shall not exceed 500 words in length.

35 In the event the entire text of the measure is not printed on the  
36 ballot nor in the voter information portion of the sample ballot,  
37 there shall be printed immediately below the impartial analysis,  
38 in no less than 10-point bold type, a legend substantially as follows:

39 “The above statement is an impartial analysis of Ordinance or  
40 Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure,

1 please call the district elections official's office at (insert telephone  
2 number) and a copy will be mailed at no cost to you."

3 SEC. 6. Section 9314 of the Elections Code is amended to read:

4 9314. (a) Whenever a district measure is submitted to the  
5 voters of a water district, the district elections official shall transmit  
6 a copy of the measure to the legal counsel for the water district,  
7 or to the county counsel if there is no legal counsel for the water  
8 district, of the county that contains the largest number of registered  
9 voters of the water district. Except as otherwise provided in  
10 subdivision (b), if there is a legal counsel for the water district, he  
11 or she shall prepare, subject to review and revision by the county  
12 counsel, an impartial analysis of the measure showing the effect  
13 of the measure on the existing law and the operation of the  
14 measure. The analysis shall include a statement indicating whether  
15 the measure was placed on the ballot by a petition signed by the  
16 requisite number of voters or by the governing body of the water  
17 district. The analysis shall be printed preceding the arguments for  
18 and against the measure. The analysis shall not exceed 500 words  
19 in length.

20 In the event the entire text of the measure is not printed on the  
21 ballot nor in the voter information portion of the sample ballot,  
22 there shall be printed immediately below the impartial analysis,  
23 in no less than 10-point bold type, a legend substantially as follows:

24 "The above statement is an impartial analysis of Ordinance or  
25 Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure,  
26 please call the district elections official's office at (insert telephone  
27 number) and a copy will be mailed at no cost to you."

28 (b) If there is no legal counsel for the water district, or if the  
29 legal counsel for the water district and the county counsel so agree,  
30 the county counsel shall prepare the impartial analysis.

31 (c) As used in this section:

32 (1) "Legal counsel for the water district" means the attorney  
33 designated under the district's conflict of interest code as its legal  
34 officer pursuant to Article 3 (commencing with Section 87300) of  
35 Chapter 7 of Title 9 of the Government Code.

36 (2) "County counsel" means the district attorney if there is no  
37 county counsel.

38 (3) "Water district" means a water district as defined in Section  
39 20200 of the Water Code.

40 SEC. 7. Section 9500 of the Elections Code is amended to read:

1     9500. (a) Whenever a school measure qualifies for a place on  
2 the ballot, the county elections official shall transmit a copy of the  
3 measure to the county counsel or to the district attorney in a county  
4 that has no county counsel.

5     (b) The county counsel or district attorney shall prepare an  
6 impartial analysis of the measure, showing the effect of the measure  
7 on the existing law and the operation of the measure. The analysis  
8 shall include a statement indicating that the measure was placed  
9 on the ballot by the governing board of the district. The analysis  
10 shall be printed preceding the arguments for and against the  
11 measure. The analysis shall not exceed 500 words in length.